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FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

IMPLEMENTATION OF THE LOCAL
COMPETITION PROVISIONS IN
THE TELECOMMUNICATIONS ACT
OF 1996

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) CC Docket No. 96-98
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)
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TO: Common Carrier Bureau

REPLY COMMENTS OF

MASSACHUSETTS ASSISTIVE TECHNOLOGY PARTNERSHIP CENTER
WORLD INSTITUTE ON DISABILITY
ALLIANCE FOR TECHNOLOGY ACCESS
TRACE RESEARCH AND DEVELOPMENT CENTER
CPB/WGBH NATIONAL CENTER FOR ACCESSIBLE MEDIA

The undersigned parties (commenters) hereby submit these Comments in reply to comments submitted pursuant to the Commission's Notice of Proposed Rulemaking in Implementation of the Local Competition Provisions in the Telecommunications Act of 1996, FCC 96-182 (released April 19, 1996) (the "Notice").

1. Commenters are organizations concerned primarily with the interests of persons with a variety of types of disabilities. Commenters have an interest in the methods

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the Commission uses to implement the provisions of the Telecommunications Act of 1996 (the "1996 Act")¹. In these reply comments, Commenters address two issues raised in several of the comments already filed: (1) methods the Commission should use to ensure that the interconnection regulations promote access to network-based services for consumers with disabilities, and (2) methods the Commission should use to ensure that the interconnection regulations promote access for low-income persons, and those living in economically disadvantaged locations, since a disproportionate number of persons with disabilities are low-income persons.

I. THE COMMISSION SHOULD DEFINE KEY PROVISIONS OF THE ACT THAT WILL HAVE AN IMPACT ON ACCESS TO TECHNOLOGY FOR PERSONS WITH DISABILITIES TO BE INCLUSIVE AND BROAD.

2. Commenters support the position of the American Foundation for the Blind (AFB) regarding interpretation of the phrases "features, functions and capabilities", "install" and "telecommunications carrier".² The main quandary for any regulator that wishes to ensure that networks and network-based services will be accessible for persons with disabilities is that there are very few certainties regarding the future. It is unclear what companies will emerge as the major providers, or whether there will be the plethora of new entries into the market that are hoped for. It is also uncertain what

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, sec. 101 et. seq.

² See Comments of the American Foundation for the Blind at 2-3.

technologies will be used to deliver communications services and information, as well as what modes of transmission will dominate. Given these limits to our ability to predict very far at all into the future, the Commission will best serve consumers with disabilities by defining critical terms and concepts broadly, thus allowing for a regulatory framework that can fit circumstances that cannot now be predicted.

3. For example, a "telecommunications carrier" is defined in section 3(44) as "any provider of telecommunications services". In response to a question from the Commission regarding whether it is good policy to define this term as a carrier that "is engaged in providing for a fee local, interexchange, or international basic services, directly to the public or to such classes of users as to be effectively available directly to the public", AFB responded by recommending that coverage be extended to "all providers of telecommunications networks meant for use by the public".³

4. The key to this argument is found in the meaning of "basic service" in the future. It is very likely that the current definition of "basic service" will undergo a change in meaning, especially with open competition for service in the local exchange areas. New providers may choose to bundle their package of services to the consumer in a different manner than is currently in practice. It is not difficult to envision a provider that starts not with voice service as its basic service that can be expanded or enhanced but "basic" e-mail. This provider should also be covered by these rules.

³ See Comments of the American Foundation for the Blind at 2.

II. PRICING OF NETWORK SERVICES SHOULD PROTECT THE HISTORIC INVESTMENT IN THE LOCAL NETWORK AND PROMOTE ITS MAINTENANCE AND ENHANCEMENT.

5. Commenters wish to also support the comments of several organizations that have expressed concern for the integrity of the local network as local competition is advanced.⁴ This issue is important to consumers with disabilities because of the nature of new competition for local service. This competition is often targeted to niche markets where most of the initial profits are expected. Thus, those consumers who are not regarded as highly profitable targets are more vulnerable to being left behind. People with disabilities are disproportionately low-income and often reside in low-income neighborhoods. They are also misunderstood by market analysts as targets for charity, rather than as attractive market members.

6. As local competition accelerates, people with disabilities may find that they are left behind because of their geographic location, because their neighborhoods are "redlined" or because their neighborhoods do not yet have the network capabilities to handle new packages of services. They may also be left behind because the packages of services that are offered are not useful to them. For example, a deaf consumer may not be willing to purchase a package of services that includes voice mail services that are not TTY-compatible. Thus, people with disabilities may be more dependent

⁴ See, for example, Comments of the Alliance for Public Technology and Comments of the National Association of Development Organizations, et. al.

than others on the services made available by the carrier of last resort, which may be the current local exchange carrier.

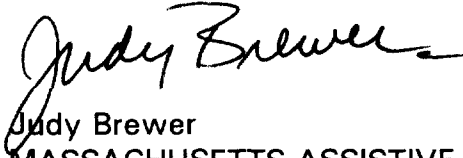
7. The incumbent providers must be assured an equitable return on their historic investment in the network in order to continue to be able to provide a high quality of service to low-income and disabled consumers who may not be well served, as described above, by new competitors. Consumers with disabilities may indeed require access to high bandwidth, for example, to a greater extent than other similarly situated consumers because of disability-related needs. Thus, they will need to access a network that is maintained and upgraded by the local exchange carrier.

8. For these reasons, Commenters urge the Commission to recognize that opening up the local exchanges to competition will require a balanced approach, to ensure that both incumbent local exchange carriers and new competitors also contribute their fair share towards guaranteeing the integrity of the local network, and especially its enhancement. The Commission should endeavor to ensure that all providers of telecommunications services are contributing to the integrity and enhancement of the entire network and not just those elements that are designed to serve attractive, niche markets.

WHEREFORE, because of the foregoing, Commenters respectfully request that the Commission adopt regulations governing interconnection to the local exchange

network in accordance with the views expressed in these Reply Comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Judy Brewer". The signature is fluid and cursive, with a long horizontal stroke at the end.

Judy Brewer
MASSACHUSETTS ASSISTIVE TECHNOLOGY
PARTNERSHIP CENTER
1295 Boylston Street
Boston, Massachusetts 02215

Betsy Bayha
WORLD INSTITUTE ON DISABILITY

Jacquelyn Brand
ALLIANCE FOR TECHNOLOGY ACCESS

Gregg Vanderheiden
TRACE RESEARCH AND DEVELOPMENT
CENTER

Larry Goldberg
CPB/WGBH NATIONAL CENTER FOR
ACCESSIBLE MEDIA

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